

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
September 22, 2009**

**1. Present**

**Commissioners:**

Sherwood Bishop, Chair  
Ryan Thomason, Vice-Chair  
Bill De Soto  
Bill Taylor  
Curtis Seebeck  
Allen Shy  
Cecil Pounds  
Jim Stark  
Randy Bryan

**City Staff:**

Chuck Swallow, Director of Development Services  
Matthew Lewis, Assistant Director of Development Services  
Francis Serna, Recording Secretary  
Sofia Nelson, Senior Planner  
Phil Steed, Planner  
John Foreman, Planner

**2. Call to Order and Announce a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday September 22, 2009 in the Council Chambers, City Hall Building of the City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Bishop welcomed the audience.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5. Citizen Comment Period**

There were no citizen comments.

6. **CUP-09-18.** Hold a public hearing and consider a request by Gabriel Holdings, Ltd for a TABC Conditional Use Permit to allow the on-premise consumption of liquor, beer, and wine at 4200 S IH 35 Ste 100.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Shy, the Commission voted nine (9) for and none (0) opposed, to approve the CUP with the conditions that the CUP shall be valid for one (1) year, provided standards are met, subject to the point system. The motion carried unanimously.

7. **CUP-09-20.** Hold a public hearing and consider a request by Pane e Vino Inc. for renewal of a TABC Conditional Use Permit to allow the on-premise consumption of beer and wine at 690 Centerpoint Rd. Suite #209.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted nine (9) for and none (0) opposed, to approve the CUP with the conditions that the CUP be valid for the life of the TABC license, provided standards are met subject to the point system. The motion carried unanimously.

8. **CUP-09-22.** Hold a public hearing and consider a request by Grifols Inc for a Conditional Use Permit to allow the use of metal wall panels on the façade of a proposed building at 201 Carlson Circle.

Chair Bishop opened the public hearing. Wes Steele of Boise, ID stated he was representing Grifols, Incl. and was available to answer questions. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason, the Commission voted nine (9) for and none (0) opposed, to approve the CUP with the condition that the east section matches the design and incorporate the landscaping shown in the rendering titled "View from NE Corner- Alt #1." The motion carried unanimously.

9. **LUA-09-09.** Hold a public hearing and consider a request by Rugel F. Sowell, for a Future Land Use Map Amendment from Low Density Residential (LDR) to Commercial (C) on 2.119 acres located at 1620 Ranch Road 12.

Chair Bishop opened the public hearing for LUA-09-09 and ZC-09-12.

Rugel Sowell, retired physician and resident of 1620 RR 12 for over fifty years stated that the proposed use of the property would be a community friendly commercial enterprise. He explained that he recently remarried and would like to move to Georgetown to be with his wife. Mr. Sowell stated that with the new Walgreens and commercial development in the area it would be difficult to sell his property as single family. He said that he is available to answer questions.

Sherry Bilson, 2006 Lisa Lane, thanked the Commission for their time. She stated that we need to preserve the neighborhoods and not allow high traffic development in neighborhoods. Ms. Bilson commented that no one wants their property abutting up to commercial property. She stated that if not enough buffers could be constructed between single family residents and commercial uses, commercial uses should not be allowed. Ms. Bilson spoke in opposition to the request.

Tina Kensey, 125 Chaparral, stated she lives on the road behind the property. She mentioned that the neighborhood is already noisy and busy. Ms. Kensey stated she is concerned that commercial zoning will increase traffic and noise. She added that Mr. Sowell's property doesn't match single family but that she still does not support the request. Ms. Kensey commented that other property owners along RR 12 will also want to change their zoning. She said that her children attend a church school and doesn't want commercial zoning near the school. She felt that with the loop coming in that the traffic will eventually decrease.

Brenda Smith, 1610 RR 12, provided the Commission with Future Land Use maps and a section of the San Marcos Master Plan provisions. She stated that she disagrees with the request and that the request is not consistent with the growth corridor. Ms. Smith noted that TX Dot has done traffic counts and does not see fit to add lanes to RR 12; they have only added turn lanes. In addition, she mentioned that utilities are not in place and the property is served by a water well and septic system. There are also traffic concerns on RR 12. Ms. Smith spoke in opposition of the request.

Barry James, 1610 RR 12, stated that he would continue where Ms. Smith left off. He said the property where Walgreens is located has always been commercial and that there has not been any change for 3 years. Mr. James stated that the applicants are his friends, although he feels that they can sell their property as single family. He spoke in opposition to the request.

Rick Kensey, 125 Chaparral, stated that he has mixed feelings regarding the request. He felt that he understands why the applicant would want to sell his property as commercial because he is sure that the driveway is hard to get out of. Mr. Kensey stated that his concerns are that if property values would go down if the proposed site is commercial and the noise level depending on what is constructed at the site.

Jack Weatherford, resident on Craddock across from Mr. Sowell and Mr. Michalec' property stated that he has lived in the area for 45 years. He explained that in 45 years, there have been a lot of changes and feels that there are some single family properties that are not suitable for single family. He mentioned that people should be able to change the zoning to commercial. Mr. Weatherford stated that he does not understand why past zoning requests were not granted along RR 12. He pointed out that he was in support of the request and that the living conditions are not suitable for single family.

Camille Phillips, resident on Franklin Drive stated she opposes the zoning request of 1616 and 1620 Ranch Road 12. She stated that Community Commercial is inappropriate and that Neighborhood Commercial is appropriate for a traditional neighborhood. Ms. Phillips quoted the Land Development Code Section 4.2.2.5 Sect. 8. She asked the Commission not to zone to property to Community Commercial.

There were no additional citizen comments and the public hearing for LUA-09-09 and ZC-09-12 were closed.

**MOTION:** Upon a motion made by Commissioner Taylor and a second by Commissioner Shy, the Commission voted eight (8) for and one (1) opposed, to postpone LUA-09-09 to the October 13, 2009, Planning and Zoning Commission meeting. The motion carried.

**10. ZC-09-12.** Hold a public hearing and consider a request by Rugel F. Sowell, for a Zoning Change from Single Family Residential (SF-6) to Community Commercial (CC) on 2.119 acres located at 1620 Ranch Road 12.

The Public Hearing was held concurrently with the Land Use Map Amendment.

**MOTION:** Upon a motion made by Commissioner Taylor and a second by Commissioner Shy, the Commission voted eight (8) for and one (1) opposed, to postpone ZC-09-12 to the October 13, 2009, Planning and Zoning Commission meeting. The motion carried.

**11. LUA-09-10.** Hold a public hearing and consider a request by Jim Michalec, for a Future Land Use Map Amendment from Low Density Residential (LDR) to Commercial (C) on 1.035 acres located at 1616 Ranch Road 12.

Chair Bishop opened the public hearing for LUA-09-10 and ZC-09-13.

Sherry Bilson, 2006 Lisa Lane, stated that they realize and appreciate the difficulty of the property. She explained that they have lack of trust because they agreed to Wake the Dead business and now the business wants to expand and passed their noise level. She stated that commercial will be detrimental to the neighborhood and thanked the Commission for their consideration.

Tina Kensey, 125 Chaparral, stated that this property has the same problems as 1620 RR 12. She stated that most of the homes on Chaparral are homes and not rental properties. Ms. Kensey added that they are trying to keep the rental of students out of the neighborhood. She felt that commercial zoning would bring traffic into the neighborhood.

Rick Kensey, 125 Chaparral, mentioned that if RR12 is widened in the future that it could possibly reduce the size of the lot which would make it difficult to develop something on the property. He thanked the Commission to allow the applicant to become further educated on other friendly neighbor commercial zoning designation possibilities.

Dr. Jack Weatherford, 508 Craddock, stated that RR 12 is heavily traveled road and is not suitable for single family residential. He added that most single family homes have been changed to commercial. He commented that one day either now or 20 years from now that all of RR12 will be commercial.

Camille Phillips inquired on the buffering and screening requirements. She stated that she felt a 6' opaque screen fence will not protect anyone. She thanked the Commissioners for postponing the item to explore other possibilities.

Laura Weatherford, 508 Craddock, commented that everyone should also look at the positive side of the request. She stated that she loves the Walgreens and strip center up the road. Ms. Weatherford said that we should think of all and help to improve the city. She mentioned that development is needed in this side of town.

Brenda Smith, 1610 RR 12, reiterated her earlier comments. She added that RR 12 is a busy street and wasn't designed for single family homes; the road was designed for rural ranch to market transportation. She added that nothing has changed and that she doesn't see the need to change the property to commercial.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Pounds and a second by Commissioner Shy, the Commission voted eight (8) for and one (1) opposed, to postpone LUA-09-10 to the October 13, 2009, Planning and Zoning Commission meeting. The motion carried.

**12. ZC-09-13.** Hold a public hearing and consider a request Jim Michalec, for a Zoning Change from Single Family Residential (SF-6) to Community Commercial (CC) on 1.035 acres located at 1616 Ranch Road 12.

The public hearing was held concurrently with the Land Use Map Amendment.

**MOTION:** Upon a motion made by Commissioner Pounds and a second by Commissioner Shy, the Commission voted eight (8) for and one (1) opposed, to postpone ZC-09-13 to the October 13, 2009, Planning and Zoning Commission meeting. The motion carried.

**13. LUA-09-13.** Hold a public hearing and consider a request Jason Howell for land use map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) on 0.3372 acres located at 1022 Alamo Street.

Chair Bishop opened the public hearing for LUA-09-03 and ZC-09-16.

Jason Howell, 1261 W. San Antonio Street, the applicant, provided the Commissioners with handouts of the proposed lot and examples of properties that he has renovated and 2 letters in support of his request. Mr. Howell explained that he is proposing to build a home on the property similar to the ones on the pictures he provided to the Commission. He said that the letter in opposition received were concerns of interfering with their privacy of an unkempt lot. Mr. Howell stated he was available to answer questions.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Taylor, and a second by Commissioner Thomason, the Commission voted nine (9) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

**14. ZC-09-16.** Hold a public hearing and consider a request by Jason Howell for a zoning change from Single Family (SF-6) to Single Family (SF-4.5) on 0.3372 acres located at 1022 Alamo Street.

The public hearing was held concurrently with the Land Use Map Amendment.

**MOTION:** Upon a motion made by Commissioner Taylor and a second by Commissioner Pounds, the Commission voted nine (9) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

**15. Discussion Items.**

**Planning Report**

No Planning Report.

**Commissioners' Report**

Jim Stark inquired if a motion is required for an item that no action is going to be taken.

Chair Bishop asked that staff provide the Commission with a list of permitted and prohibited uses in the certain zoning designations.

Commissioner Thomason suggested that the information also be provided to the property owners within the 200' notification requirement.

**16. Consider approval of the minutes from the Regular Meeting of September 8, 2009.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Shy, the Commission voted seven (7) for, zero (0) opposed, and two (2) abstained to approve the Regular Meeting Minutes of September 8, 2009 with corrections. The motion carried. Commissioners Thomason and Bryan abstained.

**17. Questions and answers from the Press and Public.**

Barry James, 1610 RR 12, inquired if the land use amendments and zoning change requests for both Ranch Road 12 would be addressed at the next meeting.

Chair Bishop explained that notification will be required for both requests and would be heard at the next Planning Commission meeting on October 13, 2009.

**18. Adjournment**

Chair Bishop adjourned the Planning and Zoning Commission at 7:38 p.m. on Tuesday, September 22, 2009.

  
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Sherwood Bishop, Chair

  
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Ryan Thomason, Vice-Chair

  
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Jim Stark, Commissioner

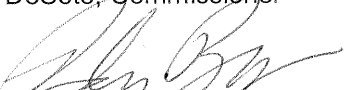
  
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Allen Shy, Commissioner

  
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Curtis Seebeck, Commissioner

  
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Bill DeSoto, Commissioner

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Cecil Pounds, Commissioner

  
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Randy Bryan, Commissioner

ATTEST:   
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Francis Serna, Recording Secretary